



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: BOX INTERFERENCE

COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

MAILED

APR 27 2001

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicants: MENGAL

Application No.: 09/102,788

Filed: 06/23/98

For: METHOD AND PLANT FOR SOLVENT-FREE  
MICROWAVE EXTRACTION OF NATURAL  
PRODUCTS

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,692.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

  
RICHARD E. SCHAFER  
Administrative Patent Judge

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

MAILED

Paper 1

Filed by: Richard E. Schafer  
Administrative Patent Judge  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

APR 27 2001

Filed:  
27 April 2001

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

J. R. JOCELYN PARE,

Junior Party,  
(Patent 5,884,417),

v.

PHILIPPE MENGAL and BERNARD MOMPON,

Senior Party,  
(Application 09/102,788).

---

Patent Interference No. 104,692

---

**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Richard E. Schafer has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **2:00 p.m. on June 26, 2001** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

Junior Party

Named inventors: J. R. JOCELYN PARE, Nepean, Canada

Patent: 5,884,417, granted 23 March 1999, based  
on Application 08/927,581, filed  
11 September 1997

Title: Microwave-assisted separations using  
volatiles

Assignee: Her Majesty the Queen in Right of  
Canada, as represented by the Minister  
of the Environment

Accorded Benefit: 5,732,476, granted 31 March 1998,  
based on application 08/653,553,  
filed 24 May 1996

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: PHILIPPE MENGAL, Vannes, France  
BERNARD MOMPON, Vannes, France

Application: 09/102,788, filed 23 June 1998

Title: Method and plant for solvent-free micro-wave  
extraction of natural products

Assignee: None

Accorded Benefit: 08/553,621, filed 28 November 1995

Attorneys: See last page

Address: See last page

**Part F. Count and claims of the parties**

Count 1

Claim 1 or Claim 10 of the Pare Patent 5,884,417 or Claim 1 or Claim 14 or Claim 20 or Claim 29 of Mengal Application 09/102,788.

The claims of the parties are:

Pare: 1-15

Mengal: 1-5, 8, 9, 11, 14-21, 23-32

The claims of the parties which correspond to Count 1 are:

Pare: 1-15

Mengal: 1-5, 8, 9, 11, 14-21, 23-32

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Pare: None

Mengal: None

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See § 18 of the  
STANDING ORDER.

Paper \_\_\_\_<sup>1</sup>

Filed on behalf of [name of party]

By: Name of lead counsel, Esq.

Name of backup counsel, Esq.

Street address

City, State, and Zip-Code

Tel:

Fax:

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**(Administrative Patent Judge Richard E. Schafer)**

**J. R. JOCELYN PARE,**

Junior Party,  
(Patent 5,884,417).

v.

**PHILIPPE MENGAL and BERNARD MOMPON,**

Senior Party,  
(Application 09/102,788).

**Patent Interference No. 104,692**

**TITLE OF PAPER**

<sup>1</sup> Leave a blank line because the board assigns the paper number.

## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions



**Part I. Order form for requesting file copies**

**FILE COPY REQUEST**

Interference 104,692

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

---

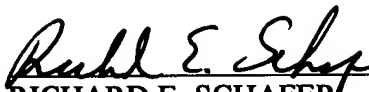
---

---

---

Telephone, including area code: \_\_\_\_\_

**Part J. Signature of administrative patent judge**

  
RICHARD E. SCHAFER  
Administrative Patent Judge

Date: 4/27/00  
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850

Copy U.S. Patent 5,884,417

Copy of claims of 09/102,788

DECLARE.007  
Revised September 20, 2000  
(replaces DECLARE.006.1)

cc (via Federal Express):

Attorney for PARE:

Paul Sharpe, Esq.  
McFADDEN FINCHAM  
225 Metcalfe Street  
Suite 606  
Ottawa, ONC K2P1P-9, Canada

Attorney for MENGAL:

Phillip F. Fox, Esq.  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1659